

We have the utmost respect for Judge Caputo and believe him to be a skilled and honorable judge. Nevertheless, the circumstances surrounding the Bob Bates case require Judge Caputo to recuse. As the Oklahoma Supreme Court has reasoned:

"Where there are circumstances that cause doubts as to a judge's partiality, it is the judge's duty to disqualify, **notwithstanding the judge's personal belief that he or she is impartial**. Miller Dollarhide, P.C. v. Tal, 2007 OK 58 ¶ 17, 163 P.3d 548, 554. When such circumstances exist, the error, if any, should be made in favor of the disqualification rather than against it. Justice must satisfy the ***appearance of justice***, even though this stringent rule may sometimes bar trials by judges who have no actual bias and who would do their very best to weigh the scales of justice between contending parties. Id., citing Marshall v. Jerrico, Inc. 446 U.S. 238, 243, 100 S.Ct. 1610, 64 L.Ed.2d 182 (1980)."

Casey v. Casey, 2011 OK 46, 270 P.3d 109, 112, *reh'g denied* (Jan. 9, 2012) (emphasis added). The public must have confidence that Judge Caputo's decisions in the Bates case are completely impartial. Unfortunately, however, Judge Caputo's ties to the Tulsa County Sheriff's Office, and officials within that organization, could create the appearance of bias. In order to satisfy the "appearance of justice", Judge Caputo should be disqualified. For this reason, the Harris family requests that Judge Caputo recuse himself from presiding over Bob Bates' criminal case.